

## PATENT COOPERATION TREATY

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## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
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Washington, D.C. 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 04 November 1999 (04.11.99)	
International application No. PCT/AU99/00232	Applicant's or agent's file reference 724077
International filing date (day/month/year) 30 March 1999 (30.03.99)	Priority date (day/month/year) 30 March 1998 (30.03.98)
Applicant RICHARDS, David, Grant et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

18 October 1999 (18.10.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
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1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

S. Mafla

Telephone No.: (41-22) 338.83.38

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PATENT COOPERATION TREATY  
**PCT**  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 19 JAN 2000

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(PCT Article 36 and Rule 70)


Applicant's or agent's file reference 724077/PS	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. <b>PCT/AU 99/00232</b>	International filing date ( <i>day/month/year</i> ) 30 March 1999	Priority Date ( <i>day/month/year</i> ) 30 March 1998
International Patent Classification (IPC) or national classification and IPC  <b>Int. Cl.<sup>6</sup> C12N 1/10; A61K 39/012</b>		
Applicant <b>EIMERIA PTY LIMITED et al</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of      sheet(s).

3. This report contains indications relating to the following items:

- |      |                                     |                                                                                                                                                                 |
|------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I    | <input checked="" type="checkbox"/> | Basis of the report                                                                                                                                             |
| II   | <input type="checkbox"/>            | Priority                                                                                                                                                        |
| III  | <input type="checkbox"/>            | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                |
| IV   | <input type="checkbox"/>            | Lack of unity of invention                                                                                                                                      |
| V    | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI   | <input type="checkbox"/>            | Certain documents cited                                                                                                                                         |
| VII  | <input type="checkbox"/>            | Certain defects in the international application                                                                                                                |
| VIII | <input type="checkbox"/>            | Certain observations on the international application                                                                                                           |

Date of submission of the demand 18 October 1999	Date of completion of the report 13 January 2000
Name and mailing address of the IPEA/AU  AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer   <b>MADHU K. JOGIA</b> Telephone No. (02) 6283 2512

REC'D 19 JAN 2000

International application No.

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PCT/AU 99/00232

**I. Basis of the report**

1. With regard to the elements of the international application:\*
- ☒ the international application as originally filed.
- ☐ the description,      pages , as originally filed,  
                                 pages , filed with the demand,  
                                 pages , filed with the letter of .
- ☐ the claims,      pages , as originally filed,  
                                 pages , as amended (together with any statement) under Article 19,  
                                 pages , filed with the demand,  
                                 pages , filed with the letter of .
- ☐ the drawings,      pages , as originally filed,  
                                 pages , filed with the demand,  
                                 pages , filed with the letter of .
- ☐ the sequence listing part of the description:  
                                 pages , as originally filed  
                                 pages , filed with the demand  
                                 pages , filed with the letter of .
2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, was on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description,      pages
- ☐ the claims,      Nos.
- ☐ the drawings,      sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-10	YES
	Claims	NO
Inventive step (IS)	Claims 1-10	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)****Novelty (N) and Inventive Step (IS) Claims 1-10**

The invention relates to vaccination strains of *Eimeria* and vaccines including the same.

The applicant submits that the strains of the present invention are strongly protective against virulent strains of their respective species, grow at a rate which allow vaccine production and are stable. Further, that document *Aust Vet J* does not disclose *Eimeria* strains which are relevant to the invention as claimed.

Because the specific strains are neither found nor taught in the prior art, the invention appears to be novel and inventive.

The invention as defined in claims 1-10 appears to possess **industrial applicability**.

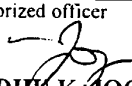
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EE	Estonia						

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/AU 99/00232

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>		
Int Cl <sup>6</sup> : C12N 1/10; A61K 39/012		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b>		
Minimum documentation searched (classification system followed by classification symbols)		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched See below		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) ORBIT (WPAT) : EIMERIA# OR COCCIDI: AND C12N 001/IC STN (CA and AGRICOLA): EIMERIA OR COCCIDI? AND NM		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 47662 (NATIONAL RESEARCH DEVELOPMENT CORPORATION) 17 March 1982 page 4, lines 16-33; page 6, lines 23-page 7, line 16	1-10
X	EP 256878 (NATIONAL RESEARCH DEVELOPMENT CORPORATION) 24 February 1988 page 4, lines 45-52, Example 5	1-10
X	WO 94/16725 (MERCK & CO) 4 August 1994 page 2, lines 21-33, page 4, lines 3-19	1-10
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex		
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family		
Date of the actual completion of the international search 28 April 1999		Date of mailing of the international search report 10 MAY 1999
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No.: (02) 6285 3929		Authorized officer  MADHU K. JOGIA Telephone No.: (02) 6283 2512

# INTERNATIONAL SEARCH REPORT

I. International application No.

PCT/AU 99/00232

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	The Veterinary Record, volume 137(18), pages 453-457 (1995) Shirley et al see whole document	1-10
X	Br Vet J, volume 148(6), pages 479-99 (1992) Shirley, M W see whole document	1-10
X	Aust Vet J, volume 75(8), pages 592-5 (1997) Jorgensen et al see whole document	1-10

## INTERNATIONAL SEARCH REPORT

### Information on patent family members

International application No.  
**PCT/AU 99/00232**

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
EP	47662	GB	2083357	JP	57080325	US	4438097
EP	256878	CA	1300013	EP	506211	JP	63099019
		JP	10291938	US	5055292		
WO	94/16725	AU	59898/94	ZA	9400336		